

By the United States in Congress assembled, April 7, 1781

BY THE UNITED STATES In CONGRESS Assembled, April 7, 1781.

BE it ordained and it is hereby ordained, by the United States in Congress assembled, that the following instructions be observed by the captains or commanders of private armed vessels, commissioned by letters of marque or general reprisals, or otherwise by the authority of the United States in Congress assembled.

First. **YOU** may by force of arms attack, subdue and seize all ships, vessels and goods, belonging to the king or crown of Great-Britain, or to his subjects, or others inhabiting within any of the territories or possessions of the aforesaid king of Great-Britain, on the high seas, or between high-water and low-water marks. And you may also annoy the enemy by all means in your power, by land as well as by water, taking care not to infringe or violate the laws of nations, or laws of neutrality.

Second. You are to pay a sacred regard to the rights of neutral powers; and the usage and customs of civilized nations; and on no pretence whatever, presume to take or seize any ships or vessels belonging to the subjects of princes or powers in alliance with these United States; except they are employed in carrying contraband goods or soldiers to our enemies; and in such case you are to conform to the stipulations contained in the treaties subsisting between such princes or powers and these states. And you are not to capture, seize or plunder any ships or vessels of our enemies, being under the protection of neutral coasts, nations or princes, under the pains and penalties expressed in a proclamation issued by the Congress of the United States, the ninth day of May, in the year of our Lord one thousand seven hundred and seventy-eight.

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Third. You shall permit all neutral vessels freely to navigate on the high seas, or coasts of America, except such as are employed in carrying contraband goods or soldiers to the enemies of these United States.

Fourth. You shall not seize or capture any effects belonging to the subjects of the belligerent powers, on board neutral vessels, excepting contraband goods; and you are carefully to observe that the term contraband is confined to those articles which are expressly declared to be such in the treaty of amity and commerce, of the sixth day of February, one thousand seven hundred and seventy-eight, between these United States and His Most Christian Majesty; namely, arms, great guns, bombs with their fuses and other belonging to them, cannon balls gunpowder, matches, pikes, swords, lances, spears, halberts, mortars, petards, grenadoes, salt-petre, muskets, musket ball, bucklers, helmets, breast plates, coats of mail, and the like kind of arms, proper for arming soldiers, musket-rests, belts, horses with their furniture, and all other warlike instruments whatever.

Fifth. You shall bring all such ships and vessels as you shall seize or capture, with their guns, rigging, tackle, apparel and furniture, and ladings, to judgment in any of the courts of admiralty that now are or hereafter may be established in any of these United States, in any court authorised by His Most Christian Majesty, or any other power in alliance with these United States, to take cognizance of captures and seizures made by the private armed vessels of these states, and to judicially hear and determine thereon.

Sixth. You shall send the master or pilot, and one or more principal person of the company of every ship or vessel by you taken in such ship or vessel, as soon after the captures may be, to be by the judge or judges of such court, as aforesaid, examined upon oath, and make answer to such interrogatories as may be pronounced, touching the interest or property of the ship or vessel and her lading; and at the same time you shall deliver or cause to be delivered to the judge or judges, all passes, sea briefs, charter parties, bills of lading, cockets, letters and other documents, and writings found on board, proving the said

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papers by the affidavit of yourself, or of some other person present at the capture, to be produced as they were received, without fraud, addition, subduction or embezzlement.

Seventh. You shall keep and preserve every ship or vessel and cargo by you taken, until they shall, by sentence of a court properly authorised, be [a?] judged lawful prize, or acquitted, not selling, spoiling, wasting or diminishing the same, or breaking the bulk thereof, nor suffering any such thing to be done.

Eighth. If you or any of your officers or crew, shall in cold blood, kill or maim, or by torture or otherwise cruelly, inhumanely and contrary to common usage, and the practice of civilized nations in war, treat any person or persons surprized in the ship or vessel you shall take, the offender shall be severely punished.

Ninth. You shall by all convenient opportunities, send to the board of admiralty or secretary of marine, written accounts of the capture you shall make, with the numbers and names of the captives, and intelligence of what may occur or be discovered concerning the designs of the enemy, and the destinations, motions and operations of their fleets and armies.

Tenth. One third at least of your whole company shall be landsmen.

Eleventh. You shall not ransom or discharge any prisoners or captives; but you are to take the utmost care to bring them into port; and if from necessity you shall be obliged to dismiss any prisoners at sea, you shall on your return from your cruize, make report thereof on oath to the judge of the admiralty of the state to which you belong, or in which you arrive, within twenty days after your arrival, with your reasons for such dismissal; and you are to deliver at your expence, or at the expence of your owners, the prisoners you shall bring into port, to a commissary of prisoners nearest the place of their landing, or into the nearest county gaol.

Twelfth. You shall observe all such further instructions as shall hereafter be given by the United States in Congress assembled, when you shall have notice thereof.

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Thirteenth. If you shall do any thing contrary to these instructions, or to others hereafter to be given, or willingly suffer such thing to be done, you shall not only forfeit your commission, and be liable to an action for breach of the condition of your bond, but be responsible to the party grieved, for damages sustained by such malversation.

Extract from the Minutes, CHARLES THOMSON, Secretary.